

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

In re:

Case No. 20-03867-dd

Vernon Davon Mitchell

Chapter 13

Debtor(s).

This matter comes before the Court on the motion for relief from the automatic stay filed by Sineath Estates and Capital Funding Corporation. ("Movants"). Movants have waived any claim arising under 11 U.S.C. §503(b) or § 507(b). The Chapter 13 trustee did not object to the motion or has agreed to the settlement. The property serving as collateral which is the subject of the motion is described as follows:

206 Yvonne Circle Ladson, SC and Mobile Home ID # of RUS072766AL

As of April, 2021, Debtor has accrued a post petition arrearage in the amount of \$820.62. The post petition arrearage consists of:

- ☐ Payments for the month(s) of _____ in the amount of \$ _____ per month.
- ☐ Late charges in the amount of \$ _____
- ☒ Attorney's fees and costs in the amount of \$820.62¹.
- ☐ Other costs in the amount of \$ _____ as described: _____.

Debtor shall continue to remit to Movant, Sineath Estates, the regular post-petition monthly payments beginning May, 2021 and continuing thereafter in accordance with the terms of the chapter 13 plan. Following one (1) week of the entry of this Order, debtor shall limit his food trailer's presence on the Sineath Estates Manufactured Home Community property to three (3) hours per day.

Upon Movants' certification of the agreement of the parties, it is hereby ORDERED:

Debtor will pay Movants \$820.62 as the attorney's fees and costs incurred by the Movants in connection with the motion as part of its allowed secured claim as provided in a modified chapter 13 plan to be filed within 10 days. Upon the failure of the debtor to timely make future post-petition lease payments to Sineath Estates, the Movants may request relief from the automatic stay and such relief may be provided without further hearing upon the filing and service of an affidavit of default by the Movants. Following one (1) week of the entry of this Order, if debtor fails to limit his food trailer's presence on the Sineath Estates Manufactured Home Community property to three (3) hours per day, the Movants may request relief from the automatic stay.

¹ This is in addition to the fees asserted in the prior Motion for relief which were incorporated in the prior approved plan, which totaled \$954.82.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/ Sean Markham
Attorney for Movant
District Court I.D. 10145

/s/Christian Waites
Attorney for Debtor
District Court I.D. 12607

CERTIFICATION:

Debtor's counsel represents that prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor(s) or the party obligated to pay.

/s/ Christian Waites
Attorney for Debtor
District Court I.D. 12607